IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

Bail Appl..No. 1986 of 2007

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CRMP.117/2007 of DISTRICT COURT, MANJERI
CRIME NO.494/2004 OF MALAPPURAM POLICE STATION

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PETITIONER/ACCUSED NO.1

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MUJEEB RAHMAN, S/O.MOOSAKUTTY,
THAYYIL PATTAKKAL HOUSE, KEEZHUPARAMBA,
KUNIYIL, AREACODE, MALAPPURAM DISTRICT.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS: COMPLAINANT AS STATE

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1. THE SUB INSPECTOR OF POLICE,
MALAPPURAM POLICE STATION,
MALAPPURAM DISTRICT.

2. THE STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**V.RAMKUMAR, J.**

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Bail Application No. 1986/2007

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Dated this 3rd day of April, 2007

**O R D E R**

The petitioner, who is the first accused in Crime No.494/2004 of Malappuram Police Station for an offence punishable under Section 376(2)(g) IPC, seeks his enlargement on bail.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. The case of the prosecution is that on 27.3.2004, the petitioner had taken the defacto complainant, Haseena, who is none other than his own wife to the Government Rest House, Malappuram, and had compelled her to have sexual intercourse with A2 to A5. The petitioner was arrested on 24.2.2007.

4. Having regard to the nature of the offences, the duration of the judicial custody of the petitioner and the other circumstances of the case, I am inclined to grant bail to the petitioner. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs. 10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M, Malappuram, and subject to the following conditions:

(a). The petitioner shall report before the Investigating Officer between 9 am. and 11 am. on all Wednesdays.

(b). The petitioner shall make himself available for interrogation as and when required by the police till the filing of the final report.

(c). If the passport of the petitioner is with the police as alleged by him, the same shall be produced before the Magistrate and shall be kept under safe custody. If, on the other hand, the passport is still with the petitioner he shall surrender the same before the Magistrate, who shall keep the same with him.

(d). The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

(e). The petitioner shall not commit any offence while on bail.

5. If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

The application is allowed as above.

**V.RAMKUMAR,**
**JUDGE**

mrcs